

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ALOJZY DUL and KRYSTYNA DUL,

Plaintiffs,

-against-

90 CHURCH STREET LIMITED PARTNERSHIP, et  
al,

Defendant.  
-----X

Case No.:

21 MC 102 (AKH)

This Order relates to:

Docket No.: 08CV09065

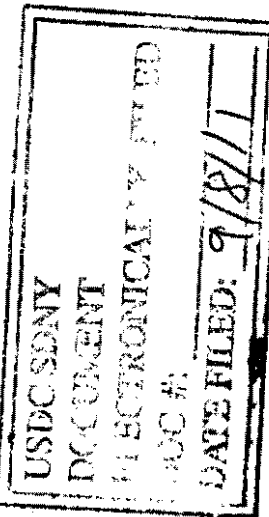
**STIPULATION AND ORDER  
OF DISCONTINUANCE  
AS TO TRIBECA NORTH END  
LLC ONLY**

**IT IS HEREBY STIPULATED AND AGREED** by and between the undersigned for

the parties herein, that whereas no party herein is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of this action and based on the representation of the within defendant, and to the extent of Plaintiff(s) can so Stipulate that each claim, cross-claim and counter-claim asserted by and against defendant TRIBECA NORTH END LLC, located at 450 North End Avenue, only as to the claims being made as to the premises located at 201 Warren Street, New York, New York shall be and the same hereby are discontinued without prejudice and without costs to any party as against the other.

**IT IS FURTHER STIPULATED AND AGREED** that should evidence be discovered throughout the course of the litigation which determines that the TRIBECA NORTH END LLC is a proper party to this suit, that plaintiff(s) may reinstitute the action without regard to the applicable Statute of Limitations, assuming said original action was timely commenced, and in such instance Defendant shall not assert Statute of Limitation as a defense.

**IT IS FURTHER STIPULATED AND AGREED** that the Stipulation and Order of Dismissal between Callan, Koster, Brady & Brennan, LLP and Woby Groner Edeleman & Napoli Bern, LLP filed on June 15, 2011 ("June 15, 2011 Order"), annexed hereto as Exhibit "A", shall be amended so that it does not discontinue ALOJZY DUL and KRYSTYNA DUL v. 90 CHURCH STREET LIMITED PARTNERSHIP, et al.; Civil Action No. 08-09065 ("Civil Action No. 08-09065"). Callan, Koster, Brady & Brennan, LLP and Woby Groner Edeleman &



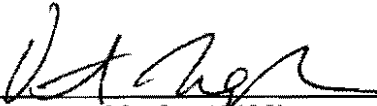
Napoli Bern, LLP mistakenly included Civil Action No. 08-09065 in the June 15, 2011 Order as ALOJZY DUL and KRYSTYNA DUL are not represented by Woby Groner Edeleman & Napoli Bern, LLP but rather the Law Offices of Gregory J. Cannata, Esq. Robert Grochow, P.C., signatories to the instant Stipulation.


This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: New York, New York  
September 6, 2011

CALLAN, KOSTER, BRADY &  
BRENNAN, LLP  
Attorneys for Defendant -  
TRIBECA NORTH END LLC

LAW OFFICES OF GREGORY J. CANNATA, ESQ.  
ROBERT GROCHOW, P.C.  
Plaintiffs Liaison  
In Re Lower Manhattan Disaster Site Litigation

  
\_\_\_\_\_  
Vincent A. Nagler (6400)  
One Whitehall Street, 10<sup>th</sup> Floor  
New York, New York 10004  
(212) 248-8800

  
\_\_\_\_\_  
ROBERT GROCHOW, P.C.  
233 Broadway, 5<sup>th</sup> Floor  
New York, New York, 10279  
(212) 553-9206

SO ORDERED: 9/7/11

  
\_\_\_\_\_  
HON. ALVIN K. HELLERSTEIN

Ex. A

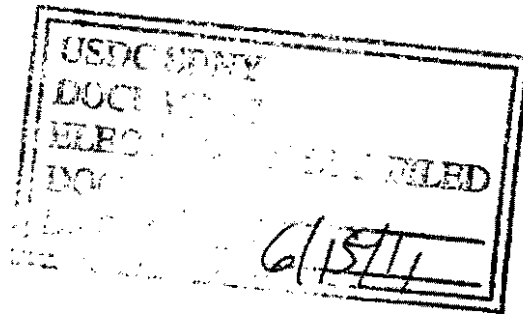
**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE COMBINED WORLD TRADE CENTER  
AND LOWER MANHATTAN DISASTER SITE  
LITIGATION

21 MC 103 (AKH)

**STIPULATION AND ORDER OF  
DISMISSAL**

This order relates to:



06 CV 04885 (AKH)  
06 CV 06814 (AKH)  
06 CV 11910 (AKH)  
07 CV 01472 (AKH)  
07 CV 01549 (AKH)  
07 CV 01623 (AKH)  
07 CV 01635 (AKH)  
07 CV 01645(AKH)  
07 CV 05300 (AKH)  
07 CV 05323 (AKH)  
07 CV 05362(AKH)  
07 CV 05382 (AKH)  
07 CV 05396 (AKH)  
07 CV 05558 (AKH)  
08 CV 02267 (AKH)  
08 CV 02642 (AKH)  
08 CV 09065 (AKH)

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, the attorneys of record for the parties to the above-entitled actions, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above-entitled actions be, and the same hereby are discontinued without prejudice as against defendant, TRIBECA NORTH END LLC., only, without costs to either party as against the other.

**IT IS FURTHER STIPULATED AND AGREED**, that should evidence be discovered throughout the course of the litigation which determines that TRIBECA NORTH END LLC., is a proper party to these suits, a plaintiff may reinstitute these actions without regards to the

applicable statute of limitations, assuming said original actions were timely commenced, and in such instance this defendant shall not assert the statute of limitations as a defense.

This stipulation may be filed without further notice with the Clerk of the Court.

Dated: New York, New York

May 31, 2011

CALLEN, KOSTER, BRADY & BRENNAN,  
LLP  
TRIBECA NORTH END LLC

WORBY GRONER EDELMAN  
& NAPOLI BERN, LLP  
*Attorneys for Plaintiff*

By: 

VINCENT A. NAGLER

By: 

CHRISTOPHER R. LOPALO (CL-6466)

One Whitehall Street  
New York, NY 10004  
Tel: 212-248-8800

350 Fifth Avenue, Suite 7413  
New York, New York 10118  
Tel: (212) 267-3700

SO ORDERED: 

  
HON ALVIN K. HELLERSTEIN